



CITY OF AKRON, OHIO
POLICE DIVISION
AUGUSTUS A. HALL, CHIEF OF POLICE

NUMBER P-2010-001	EFFECTIVE DATE May 19, 2010	RESCINDS P-08-001 Issued 11-24-08
SUBJECT Traffic Enforcement Procedure		ISSUING AUTHORITY Chief Augustus A. Hall

I. POLICY

The objective of the Akron Police Department's traffic enforcement program is to create a high degree of uniformity in the enforcement of traffic laws. Maintaining a safe and efficient flow of vehicular and pedestrian traffic will contribute to the reduction of traffic violations and traffic crashes.

II. PROCEDURE

A. ENFORCEMENT ACTION

1. Citation – The Ohio uniform traffic ticket should be issued to most traffic violators. It is the most appropriate form of action to be taken by an officer when enforcing traffic laws.
2. Custodial Arrest
 - a. Misdemeanor arrests – An officer may arrest for misdemeanor traffic offenses committed in the officer's presence. However, in most cases, the issuance of a citation in lieu of arrest is the most appropriate type of enforcement action. In determining when it may be necessary to arrest a traffic violator, the officer shall consider the offender's obligation to appear in court. The offender should be able to demonstrate the fact that he realizes the obligation to appear at a specified time and place to answer the charge against him.
 - b. Minor misdemeanor arrests¹ – An officer may issue a citation but not arrest for the commission of a minor misdemeanor unless the offense was committed in the officer's presence and one of the following applies:
 - 1) The offender requires medical care or is unable to provide for his own safety.
 - 2) The offender cannot or will not offer satisfactory evidence of his identity.
 - 3) The offender refuses to sign the citation.

- 4) The offender has previously been issued a citation for the commission of that misdemeanor and has failed to do one of the following:
 - a) Appear at the time and place stated in the citation; or
 - b) Pay the waiver.
3. Verbal Warning – Used to advise or educate a motorist who has committed a violation of State law or City Ordinance in those circumstances when such a warning does not conflict with department procedure.

B. DRIVING STATUS, DRIVING RECORD AND OUTSTANDING WARRANTS

1. Check driving status.
2. Check driving record.
 - a. A second moving violation in a twelve month period is a M-4. This must be noted in the remarks section of the citation form for the court.
 - b. A third moving violation in a twelve month period is a M-3 and a mandatory court appearance. This must be noted in the remarks section of the citation which is required by the court.
3. Check for outstanding warrants.

C. TRAFFIC CRASH INVESTIGATION CITATIONS

1. Public roadways – When the investigating officer determines that a violation has occurred, the officer shall issue a traffic citation to the violator unless otherwise authorized by a supervisor not to issue a citation. The determining factor regarding the issuance of a traffic citation shall be based on:
 - a. The evidence collected.
 - b. Statements taken with reference to the accident.
 - c. When so ordered by a supervisor.
2. Private property crashes – Traffic citations may only be issued for the following violations:
 - a. Drivers' license offenses
 - b. OVI

- c. Hit-skip
 - d. Failure to control
 - e. Reckless operation
3. "In presence" exception – The courts have ruled that an officer investigating a nonwitnessed traffic accident involving OVI may effect an arrest for OVI based on probable cause even though the officer did not witness the violation.
 4. In the cases of a nonwitnessed traffic accident, absent any exception, an officer is restricted to the issuance of a citation based upon the probable cause determination.

D. NONRESIDENT VIOLATOR COMPACT (NRVC)

1. Ohio has entered into an interstate compact which insures that an offender's home state will cancel the offender's driver's license if the offender fails to properly meet the legal obligations of the citation issued by any other one of the compact states.
2. Officers shall inform out-of-state offenders that failure to contact the court within the specified time may result in their license being cancelled by their home state.

E. SCHEDULING COURT APPEARANCES

1. Misdemeanor traffic violations must be scheduled within seven calendar days of the violation in accordance with the court's current schedule.
2. OVI/BAC/DUS court appearances shall be set four calendar days from the date of the violation.
3. The officer will advise the violator that if he fails to appear at the time and date specified on the citation, his driver's license will be cancelled by the Bureau of Motor Vehicles.
4. All citations issued during an officer's shift or extra duty assignment shall be turned in by the end of that shift or extra duty assignment.

F. NONWAIVERABLE TRAFFIC OFFENSES²

All traffic violations are waiverable at the Clerk of Court Violations Bureau, except the following:

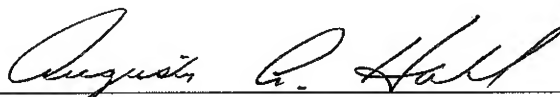
1. Indictable or misdemeanor offenses of the first through third degree.
2. Operating a motor vehicle while impaired.

3. Hit-skip.
4. Driving while under suspension or revocation of license.
5. Driving without being licensed to drive.
6. A third moving traffic offense within a twelve month period.
7. Failure to stop for a school bus when required.
8. Willfully fleeing or eluding a police officer.
9. Drag racing

G. CITIZEN CONTACT LOG

An officer, when working a unit with an MDB, shall complete a Citizen Contact Log form on all vehicle stops and send it to the CAD prior to clearing the call.

By Order Of,



Augustus A. Hall
Chief of Police

Date 5-4-10

¹ Ohio Revised Code Section 2935.26

² Ohio Revised Code Section 4511.75